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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,749	08/21/2003	James I. Livingstone	A894630US	7633

23971 7590 12/15/2004

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,749

Applicant(s)

LIVINGSTONE, JAMES I.

Examiner

Kenn Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 21, 26, 29, 30, 44, 48, 49, 53 and 55 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 8-20, 22-25, 27, 28, 31-43, 45-47 and 50-52 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 21, 26, 29, 30, 44, 48, 49, 53 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Schad et al., U.S. 2,707,616.

Regarding claims 1, 2, 4, 7, 21, 30, 44, 48 and 53, Schad et al. discloses a method of drilling a directional wellbore. Schad et al. discloses providing a concentric coiled tubing drill string having an inner coiled tubing (4) string, an outer coiled tubing string (3), an annulus (13) and a bottom hole assembly (1) comprising a directional drilling means, and delivering drilling medium through the annulus (13) for operating the directional drilling means to form a directional wellbore and removing exhaust drilling medium by extracting the exhaust drilling medium through the inner coiled tubing string (4).

As to claims 26, 29 and 55, Schad et al. discloses an orientation and interchange means (16).

As to claim 48 and 49 Schad et al. discloses a connecting and disconnecting means (5).

Allowable Subject Matter

Claims 3, 5, 8, 9, 10-20, 22-25, 27, 28, 31-43, 45-47, 50-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including the drilling medium is delivered through the inner tubing and exhausted through the annulus.

The prior art of record does not disclose or suggest all the claimed subject matter including the drilling medium being hydrocarbons.

The prior art of record does not disclose or suggest all the claimed subject matter including a reverse circulating directional drilling means.

The prior art of record does not disclose or suggest all the claimed subject matter including a positive displacement motor, a reverse circulating drill bit and a bent housing.

The prior art of record does not disclose or suggest all the claimed subject matter including a reciprocating air hammer.

The prior art of record does not disclose or suggest all the claimed subject matter including diverter means.

The prior art of record does not disclose or suggest all the claimed subject matter including flow control means for preventing flow of hydrocarbons.

The prior art of record does not disclose or suggest all the claimed subject matter including a flare means for flaring hydrocarbons produced from the well.

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The prior art of record does not disclose or suggest all the claimed subject matter including a shroud means between the outside wall of the outer tubing and a wall of the wellbore.

The prior art of record does not disclose or suggest all the claimed subject matter including a suction compressor.

The prior art of record does not disclose or suggest all the claimed subject matter including a data collection and transmission means.

The prior art of record does not disclose or suggest all the claimed subject matter including a storing means.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13 December 2004



Kenn Thompson
Primary Patent Examiner
Art Unit 3672